



Ontario  
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**BY EMAIL**

November 16, 2022

Nancy Marconi  
Registrar  
Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto ON M4P 1E4

Dear Ms. Marconi:

**Re: Enbridge Gas Inc. (Enbridge Gas)  
Ridge Landfill RNG Project  
OEB Staff Interrogatories  
Ontario Energy Board File Number: EB-2022-0203**

In accordance with Procedural Order No. 1 please find attached the OEB staff interrogatories for the above proceeding. This document has been sent to Enbridge Gas Inc. and to all other registered parties to this proceeding.

Enbridge Gas Inc. is reminded that its responses to interrogatories are due by November 30, 2022.

Yours truly,

Catherine Nguyen  
Advisor, Natural Gas Applications

Encl.

**OEB Staff Interrogatories  
Enbridge Gas Inc.  
EB-2022-0203**

Please note, Enbridge Gas is responsible for ensuring that all documents it files with the OEB, including responses to OEB staff interrogatories and any other supporting documentation, do not include personal information (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's *Rules of Practice and Procedure*.

**ISSUE 1.0 NEED FOR THE PROJECT**

**Staff-1**

**Ref:** Exhibit B, Tab 1, Schedule 1, page 3, paragraph 5

Exhibit F, Tab 1, Schedule 1, Attachment 1, Appendix G

**Preamble:**

Waste Connections of Canada Inc. (Waste Connections) has requested that Enbridge Gas construct new pipeline facilities to connect its planned Ridge Landfill RNG facility to the existing local Enbridge Gas natural gas distribution system to facilitate injection of RNG supply volumes. Enbridge Gas stated that the Project is designed to meet the needs of Waste Connections and does not contribute to any other future growth plans in the area.

Comments from landowners in proximity to the Project suggest interest in having a service connection to the new natural gas pipeline.

**Questions:**

- a) Please provide Enbridge Gas's comments on the use of the proposed pipeline to serve additional loads in this area.
- b) Does Enbridge Gas intend to purchase RNG volumes produced by Waste Connections? If so, please confirm that Enbridge Gas is not seeking any approvals with respect to the purchase of RNG volumes as part of this proceeding.

**Staff-2**

**Ref:** Exhibit D, Tab 1, Schedule 1, page 5, paragraph 15

**Preamble:**

Enbridge Gas expects to commence construction of the Project in March/April 2023 to meet the required in-service date of November 1, 2023.

**Questions:**

- a) Please describe in more detail the rationale for the proposed construction start and required in-service date.
- b) Please discuss the impact to the proposed construction schedule and in-service date if Enbridge Gas receives a decision and order of the OEB in March 2023. Please discuss any associated risks and impacts if the construction start and/or in-service date is delayed.

**ISSUE 3.0 PROJECT COST AND ECONOMICS**

**Staff-3**

**Ref:** Exhibit E, Tab 1, Schedule 1, Page 1, paragraph 1 and footnote 1

**Preamble:**

Enbridge Gas stated that the total cost of the Project is estimated to be \$11.5 million.

Waste Connections has contracted with Enbridge Gas under an M13 Service Contract that includes a provision for the payment of a contribution in aid of construction (CIAC) for the full amount of the Project construction cost.

The CIAC provided in the M13 contract is \$12,250,471.44 (\$6,125,235.72 + \$6,125,235.72). Enbridge Gas states that the amount owing for the second pre-payment will be adjusted or trued-up based on actual final Project costs and that Waste Connections will be responsible for 100% of Project costs.

**Question:**

- a) Please advise whether the second pre-payment will be trued-up to reflect the actual final Project costs even if the actual costs are greater than \$12,250,471.44. If not, please explain how Enbridge Gas expects to manage any additional costs.

**ISSUE 4.0 ENVIRONMENTAL IMPACTS**

**Staff-4**

**Ref:** Exhibit F, Tab 1, Schedule 1, Attachment 1, Appendix G

**Preamble:**

The Environmental Report (ER) was circulated to the Ontario Pipeline Coordinating Committee (OPCC), Indigenous communities, the Municipality of Chatham-Kent and the Lower Thames Valley Conservation Authority on June 17, 2022. Enbridge Gas filed the comments received on the ER as of the application filing date at Appendix G of the ER.

As part of the consultation process, the Technical Standards and Safety Authority (TSSA) directed Enbridge Gas to submit an Application for Review of Pipeline Project to the TSSA.

**Questions:**

- a) Please provide the supporting documentation, i.e. the email correspondence referenced in the Appendix G table.
- b) Please file an update of the comments provided in Appendix G (summarized in tabular format) that Enbridge Gas has received as part of its consultation since the application was filed, including the supporting documentation, i.e. email correspondence that is referenced. Please include the dates of communication, the issues and concerns identified by the parties, as well as Enbridge Gas's responses and actions to address these issues and concerns.
- c) Please provide any comments provided by the Ministry of the Environment, Conservation and Parks.
- d) Please provide any comments provided by the Ministry of Municipal Affairs and Housing.
- e) Please provide an update on the status of the TSSA's review of the Project.

**Staff-5**

**Ref:** Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 4

**Preamble:**

Enbridge Gas stated that a Cultural Heritage Assessment Report will be completed in the summer of 2022 and submitted to the Ministry of Tourism, Culture and Sport (MTCS) prior to commencement of Project construction.

Enbridge Gas also stated that a Stage 2 Archaeological Assessment (AA) will be completed in summer/fall 2022, submitted to the MTSC for review, and entered onto the Ontario Public Register of Archaeological Reports.

**Question:**

- a) Please advise whether the Cultural Heritage Assessment Report and the Stage 2 AA has been completed and reviewed by the MTCS. If not, please indicate when Enbridge Gas expects to receive these approvals.

## ISSUE 5.0: ROUTE MAP AND FORM OF LANDOWNER AGREEMENTS

### **Staff-6**

**Ref:** Exhibit D, Tab 1, Schedule 1, Page 1

#### **Preamble:**

Enbridge Gas stated that the proposed pipeline will commence at the existing Enbridge Gas Chatham East Line near Enbridge Gas's Blenheim North Station in Blenheim, Ontario, and will terminate at the Ridge Landfill Facility, 5.7 km away from the Chatham East Line.

#### **Question:**

- a) Please clarify whether Enbridge Gas plans to connect the proposed pipeline to its existing distribution system at the Chatham East Line or the Blenheim North Station.

### **Staff-7**

**Ref:** Exhibit G, Tab 1, Schedule 1, Page 1, paragraphs 3-4 and Attachments 1 and 4

#### **Preamble:**

Enbridge Gas stated that temporary working areas will be required along the route where the road allowance is too narrow or confined to facilitate construction. Enbridge Gas will also require a permanent easement for the Project.

Enbridge Gas provided the list of directly and indirectly impacted landowners from whom a permanent or temporary land right is needed.

#### **Questions:**

- a) Please update Attachment 4 to include the dimensions (in metres) and approximate area (in hectares and acres) of the permanent and temporary land rights required for the Project.
- b) Please confirm whether any of the landowners that have been notified have indicated their support of the Project. If possible, please provide any letters of support from the landowners.
- c) Please provide an update on the status and prospect of remaining land negotiations where permanent and temporary easements are required. Please include any concerns raised by landowners and Enbridge Gas's responses.

- d) Please discuss any expected delays with respect to obtaining the required land rights for the Project and its impact to the construction start and in-service date.

**Staff-8**

**Ref:** Exhibit G, Tab 1, Schedule 1, Page 1-2, paragraphs 5-6

**Preamble:**

Enbridge Gas identified the potential permits/approvals that may be required for the Project at the reference above and in the ER.

Enbridge Gas also stated that other authorizations, notifications, permits and/or approvals may be required in addition to the ones listed.

**Questions:**

- a) Please advise whether Enbridge Gas has identified any other permits/approvals required for the Project other than those listed in the application. If so, please provide a description of the required permit/approval.
- b) Please provide an update on the status of each permit/approval including when Enbridge Gas expects to receive the required permit/approval.

**ISSUE 6.0 INDIGNEOUS CONSULTATION**

**Staff-9**

**Ref:** Exhibit H, Tab 1, Schedule 1, Attachments 5 and 6

**Preamble:**

The Ministry of Energy's (MOE) Delegation Letter identified six Indigenous communities that Enbridge Gas should consult in relation to the Project:

- Aamjiwnaang First Nation (AFN)
- Bkejwanong (Walpole Island First Nation) (WIFN)
- Caldwell First Nation (CFN)
- Chippewas of the Thames First Nation (COTTFN)
- Chippewas of Kettle and Stony Point First Nation (CKSPFN)
- Oneida Nation of the Thames (Oneida Nation)

Enbridge Gas filed a summary of the Indigenous consultation activities (Attachment 5). The information Enbridge Gas filed at Attachments 5 and 6 describes the Indigenous consultation up to August 8, 2022.

Enbridge Gas stated that the MOE will review the Indigenous Consultation Report and determine whether consultation undertaken by Enbridge Gas is satisfactory (Letter of Opinion).

**Questions:**

- a) Please provide the supporting documentation, i.e. the email correspondence referred to in Attachment 6.
- b) Please provide an update on Indigenous consultation activities set out in Attachments 5 and 6, summarizing any issues and concerns raised and how these are being addressed. Please include any supporting documentation, i.e. email correspondence that is referenced.
- c) Please provide an update on the status of Enbridge Gas's responses to the outstanding concerns from CKSPFN and COTTFN. Please provide a summary of Enbridge Gas's response and any replies from CKSPFN and COTTFN.
- d) Please update the evidence with any correspondence between the MOE and Enbridge Gas since the application was filed, regarding the MOE's review of Enbridge Gas's consultation activities.
- e) Please indicate when Enbridge Gas expects to receive a letter of opinion from the MOE.
- f) Please comment on any issues arising from the Project that could adversely impact constitutionally protected Aboriginal or treaty rights. Have any Indigenous communities identified any Aboriginal or treaty rights that could be adversely impacted by the project? If any potential adverse impacts have been identified, please comment on what Enbridge Gas is doing to address these issues.

**ISSUE 7.0 CONDITIONS OF APPROVAL**

**Staff-10**

**Ref:** Exhibit A, Tab 2, Schedule 1

**Preamble:**

Enbridge Gas has applied for leave to construct a pipeline under section 90(1) of the OEB Act. The OEB's standard conditions of approval for section 90 applications, with a modification to Condition 6 as proposed by OEB staff, are provided below.

**Questions:**

- a) OEB staff suggests that the OEB's standard conditions of approval should apply to the Project with a modification to Condition 6, which requires the applicant to confirm that the actual final Project costs are fully funded by the CIAC paid to Enbridge Gas by Waste Connections. Please confirm if Enbridge Gas agrees with OEB staff's suggestion.
- c) If Enbridge Gas does not agree with any of the conditions of approval set out below, please identify the specific conditions that Enbridge Gas disagrees with. Explain the rationale for disagreement and for any proposed changes or amendments.

**Application under Section 90(1) of the OEB Act**

**Enbridge Gas Inc.  
EB-2022-0203  
DRAFT**

**Standard Conditions of Approval**

1. Enbridge Gas Inc. shall construct the facilities and restore the land in accordance with the OEB's Decision and Order in EB-2022-0203 and these Conditions of Approval.
2. (a) Authorization for leave to construct shall terminate 12 months after the decision is issued unless construction has commenced prior to that date.  
(b) Enbridge Gas Inc. shall give the OEB notice in writing:
  - i. of the commencement of construction, at least 10 days prior to the date construction commences
  - ii. of the planned in-service date, at least 10 days prior to the date the facilities go into service
  - iii. of the date on which construction was completed, no later than 10 days following the completion of construction
  - iv. of the in-service date, no later than 10 days after the facilities go into service
3. Enbridge Gas Inc. shall obtain all necessary approvals, permits, licences, certificates, agreements and rights required to construct, operate and maintain the Project.



4. Enbridge Gas Inc. shall implement all the recommendations of the Environmental Report filed in the proceeding, and all the recommendations and directives identified by the Ontario Pipeline Coordinating Committee review.
5. Enbridge Gas Inc. shall advise the OEB of any proposed change to OEB-approved construction or restoration procedures. Except in an emergency, Enbridge Gas Inc. shall not make any such change without prior notice to and written approval of the OEB. In the event of an emergency, the OEB shall be informed immediately after the fact.
6. Concurrent with the final monitoring report referred to in Condition 7(b), Enbridge Gas Inc. shall file a Post Construction Financial Report, that:
  - (a) provides a variance analysis of project cost, schedule and scope compared to the estimates filed in this proceeding, including the extent to which the project contingency was utilized
  - (b) confirms that the actual final project costs are fully funded by the contribution in aid of construction payment from Waste Connections of Canada Inc.

Enbridge Gas Inc. shall also file a copy of the Post Construction Financial Report in the proceeding where Enbridge Gas Inc. proposes to start collecting revenues associated with the Project.

7. Both during and after construction, Enbridge Gas Inc. shall monitor the impacts of construction, and shall file with the OEB one electronic (searchable PDF) version of each of the following reports:
  - (a) A post construction report, within three months of the in-service date, which shall:
    - i. provide a certification, by a senior executive of the company, of Enbridge Gas Inc.'s adherence to Condition 1
    - ii. describe any impacts and outstanding concerns identified during construction
    - iii. describe the actions taken or planned to be taken to prevent or mitigate any identified impacts of construction
    - iv. include a log of all complaints received by Enbridge Gas Inc., including the date/time the complaint was received, a description of the complaint, any actions taken to address the complaint, the rationale for taking such actions
    - v. provide a certification, by a senior executive of the company, that the company has obtained all other approvals, permits, licenses,

and certificates required to construct, operate, and maintain the proposed project

- (b) A final monitoring report, no later than fifteen months after the in-service date, or, where the deadline falls between December 1 and May 31, the following June 1, which shall:
- i. provide a certification, by a senior executive of the company, of Enbridge Gas Inc.'s adherence to Condition 4
  - ii. describe the condition of any rehabilitated land
  - iii. describe the effectiveness of any actions taken to prevent or mitigate any identified impacts of construction
  - iv. include the results of analyses and monitoring programs and any recommendations arising therefrom
  - v. include a log of all complaints received by Enbridge Gas Inc., including the date/time the complaint was received; a description of the complaint; any actions taken to address the complaint; and the rationale for taking such actions
8. Enbridge Gas Inc. shall designate one of their employees as project manager who will be the point of contact for these conditions, and shall provide the employee's name and contact information to the OEB and to all affected landowners, and shall clearly post the project manager's contact information in a prominent place at the construction site.